

ORDINANCE 79- 10

AN ORDINANCE AMENDING THE ZONING CODE OF PALM BEACH COUNTY, ORDINANCE NO. 73-2, AS AMENDED; CREATING REGULATIONS GOVERNING THE OPERATION OF AND ESTABLISHING MINIMUM STANDARDS FOR THE LOCATION AND OPERATION OF ADULT CONGREGATE LIVING FACILITIES; AMENDING SECTION 200.2, DEFINITIONS; AMENDING SECTION 500.17, OFF-STREET PARKING REGULATIONS; AMENDING SECTION 601.D, SPECIAL EXCEPTIONS SUBJECT TO COMMISSION APPROVAL (AG DISTRICT); AMENDING SECTION 605.C, SPECIAL EXCEPTIONS SUBJECT TO COMMISSION APPROVAL (RM DISTRICT); AMENDING SECTION 606.C, SPECIAL EXCEPTIONS SUBJECT TO COMMISSION APPROVAL (RH DISTRICT); CREATING SECTION 500.32, ADULT CONGREGATE LIVING FACILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT Ordinance No. 73-2, as amended, known as the Palm Beach County Zoning Code, is hereby amended as follows:

SECTION 1. Section 200.2 "Definitions", of Ordinance No. 73-2, as amended, is amended by adding the following in alphabetical order:

ADULT CONGREGATE LIVING FACILITY:

An establishment, institution, building, residence, home, boarding house, home for the elderly, or other place, whether operated for profit or not, which through its operation provides one or more personal services for four or more persons not related by blood or marriage to the owner or operator, for a period exceeding twenty-four hours. Personal Services are in addition to housing and food service and include but are not limited to: personal assistance with bathing, dressing, housekeeping, supervision, eating, supervision of self-administered medication, and assistance in securing health care from appropriate sources.

SECTION 2. Subsection 500.17K6 "Off-street Parking Regulations", of Ordinance No. 73-2, as amended, is amended by adding the following in alphabetical order:

NURSING AND CONVALESCENT HOMES AND ADULT CONGREGATE

LIVING FACILITIES: There shall be provided one (1) space per four patient beds or tenants plus one (1) space per employee, including nurses and staff doctor, on the shift with the greatest employment.

Adult Congregate Living Facilities of not more than four (4) tenants shall be exempt from parking requirements.

SECTION 3. Subsection 601.D "Special Exception Subject to Commission Approval" of Ordinance 73-2, as amended, is amended to include, in alphabetical order, the following use:

Adult Congregate Living Facility (See Section 500.32)

SECTION 4. Subsection 605.C "Special Exception Subject to Commission Approval" of Ordinance 73-2, as amended, is amended to include, in alphabetical order, the following use:

Adult Congregate Living Facility (See Section 500.32)

SECTION 5. Subsection 606.C "Special Exception Subject to Commission Approval" of Ordinance 73-2, as amended, is amended to include, in alphabetical order, the following use:

Adult Congregate Living Facility (See Section 500.32)

SECTION 6. Section 500.32 of Ordinance 73-2, as amended, is created to read:

500.32 ADULT CONGREGATE LIVING FACILITIES

In addition to the requirements of Section 401.2 (A) & (B), the following regulations and requirements shall apply to all Adult Congregate Living Facilities.

A) Purpose and Intent

It is the intent of this section to provide proper locational criteria and reasonable minimum standards for the development and/or use of property as an "Adult Congregate Living Facility", as defined in Section 200.2 of this Code. These standards must be met regardless of the existence of lesser standards imposed by other sections of this Code or by other Governmental agencies.

B) Location

No "Adult Congregate Living Facility" shall be located closer than 500 feet from any property zoned RE, RT or RS unless separated from said district by a roadway functioning as a major collector or arterial, as determined by the County Engineer.

C) Minimum Lot Area

The minimum lot area requirements for the applicable zoning district shall apply, but in no case shall a lot size be less than 7500 square feet.

D) Minimum Lot Dimensions

The minimum lot dimension requirements for the applicable zoning district shall apply, but in no case shall a lot size be less than:

Frontage                    75 Feet

Depth                      100 Feet

Width (Interior)        75 Feet

Width (Corner)          85 Feet

E) Property Development Regulations

Building Height, Setbacks, and coverage shall be governed by the applicable zoning district.

F) Room Size and Density

The minimum allowable sleeping room size in an Adult Congregate Living Facility shall be one (1) person for every eighty (80) square feet of net bedroom or sleeping room floor area for single occupancy. For multiple occupancy of rooms, an additional forty (40) square feet per person shall be provided. However, the maximum permitted density shall not exceed one (1) tenant per 1800 square feet of lot area, not including live-in staff. The calculation of net bedroom or sleeping room area shall not include closets, bathrooms, hallways, garages, utility rooms, kitchens, dining rooms, living rooms, or family rooms.

G) Off-Street Parking

See Section 500.17

H) Signs

There shall be no signs or other on-site advertising of the existence of the Adult Congregate Living Facility.

I) Food Storage and Preparation

The storage and preparation of food shall be accomplished at a central kitchen. Rooms or suites of rooms shall not be designed, altered, maintained or used for this purpose.

J) Safety Regulations

Every facility shall conform to applicable County Codes and Ordinances including building, electrical, plumbing and fire prevention codes. Facilities shall be equipped and operated so as to protect the residents from health and safety hazards and from other dangers adverse to their general well-being or moral welfare. No portable heaters or other dangerous appliance may be used in such facilities. Health and Safety standards prescribed by the Palm Beach County Health Department shall be observed.

K) Personnel Standards

All Adult Congregate Living Facilities must provide sufficient staff to operate the facility in a proper manner as required by minimum standards of the State of Florida Department of Health and Rehabilitative Services.

L) Occupancy and Use

No Occupancy and Use Permit shall be issued unless a license has first been obtained therefore from the State of Florida, Department of Health and Rehabilitative Services, and any other permitting agency as required by law, and all provisions of this section have been fulfilled.

M) Violation of Requirements

Violation of any of the requirements of this section, non-compliance with other applicable County or State requirements, or non-compliance with any conditions of Special Exception approval shall be grounds for the revocation of the Certificate of Occupancy & Use for

any such facility, at the discretion of the Board of  
County Commissioners.

SECTION 7. Severability - If any section, paragraph, sentence,  
clause, phrase or word of this Ordinance is found unconstitutional,  
inoperative or void, such holding shall not affect the remainder of  
this Ordinance.

SECTION 8. Inclusion in the Code - The provisions of this  
Ordinance shall become and be made a part of the Code of Laws and  
Ordinances of Palm Beach County, Florida. The sections of this  
Ordinance may be renumbered or relettered to accomplish such, and  
the word "ordinance" may be changed to "section", "article", or  
other appropriate word.

SECTION 9. Effective Date - The provisions of this Ordinance  
shall become effective upon receipt of acknowledgement by the  
Department of State, State of Florida.

Approved and Adopted by the Board of County Commissioners of  
Palm Beach County, Florida on the 7th day  
of August 1979.

PALM BEACH COUNTY, FLORIDA BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: Ron Paulsen

CHAIRMAN

Acknowledgement by the Department of State of the State of  
Florida, on this, the 16th Day of August, 19 79,  
at \_\_\_\_\_ and filed in the office of Clerk of the  
Board of County Commissioners of Palm Beach County, Florida, August 21, 1979  
@ 9:28 A.M.  
Approved as to Form and Legal Sufficiency

By: Clark F. Howard (COUNTY ATTORNEY)